

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
ST. LOUIS DIVISION

CASSIE GREEN a.k.a  
CASSIE HAYES- MCDONALD,

*Plaintiff,*

v.

EQUIFAX INFORMATION SERVICES,  
LLC et al.,

*Defendant.*

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CASE NO. 4:20-cv-01096-SRC

**DEFENDANT AMERICOLLECT, INC.'S ANSWER TO PLAINTIFF'S COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant Americollect, Inc. ("Defendant"), and files this Answer to Plaintiff's Complaint, and will show onto this Court as follows:

**JURISDICTION**

1. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 1, and therefore denies the same.

2. Defendant admits that Plaintiff brings this action pursuant to the Fair Credit Reporting Act, 15 U.S.C. §1681, *et seq.* (the "FCRA"). Defendant denies it violated any provisions of the FCRA.

**VENUE**

3. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 3, and therefore denies the same.

4. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 4, and therefore denies the same.

**PARTIES**

5. Defendant admits that Plaintiff is a natural person. Defendant is without sufficient information to form a belief necessary to admit or deny the remainder of Paragraph 5, and therefore denies the same.

6. Defendant admits that it is a corporation, which at times, conducts business within the state of Missouri. Defendant is without sufficient information to form a belief necessary to admit or deny the remainder of Paragraph 6, and therefore denies the same.

**GENERAL ALLEGATIONS**

7. Defendant denies Paragraph 7 as to itself. Defendant is without sufficient information to form a belief necessary to admit or deny the remainder of Paragraph 7, and therefore denies the same.

8. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 8, and therefore denies the same.

9. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 9, and therefore denies the same.

10. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 10, and therefore denies the same.

11. Defendant denies Paragraph 11 as to itself. Defendant is without sufficient information to form a belief necessary to admit or deny the remainder of Paragraph 11, and therefore denies the same.

12. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 12, and therefore denies the same.

13. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 13, and therefore denies the same.

14. Defendant denies Paragraph 14 as to itself. Defendant is without sufficient information to form a belief necessary to admit or deny the remainder of Paragraph 14, and therefore denies the same.

### **COUNT I**

15. Defendant reincorporates the preceding paragraphs as if fully set out herein.

16. Defendant denies Paragraph 16.

17. Defendant denies Paragraph 17.

18. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 18, and therefore denies the same.

19. Defendant denies Paragraph 19.

20. Defendant denies Paragraph 20.

21. Defendant denies Paragraph 21 as an incomplete and/or inaccurate statement of law.

Defendant denies Plaintiff's Prayer for Relief and its subparts and denies that Plaintiff is entitled to any relief or damages.

### **COUNT II**

22. Defendant reincorporates the preceding paragraphs as if fully set out herein.

23. Defendant denies Paragraph 23.

24. Defendant denies Paragraph 24.

25. Defendant denies Paragraph 25.

26. Defendant denies Paragraph 26.

Defendant denies Plaintiff's Prayer for Relief and its subparts and denies that Plaintiff is entitled to any relief or damages.

### **COUNT III**

27. Defendant reincorporates the preceding paragraphs as if fully set out herein.

28. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 28, and therefore denies the same.

29. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 29, and therefore denies the same.

30. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 30, and therefore denies the same.

31. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 31, and therefore denies the same.

32. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 32, and therefore denies the same.

33. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 33, and therefore denies the same.

### **COUNT IV**

34. Defendant reincorporates the preceding paragraphs as if fully set out herein.

35. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 35, and therefore denies the same.

36. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 36, and therefore denies the same.

37. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 37, and therefore denies the same.

38. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 38, and therefore denies the same.

#### **COUNT V**

39. Defendant reincorporates the preceding paragraphs as if fully set out herein.

40. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 40, and therefore denies the same.

41. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 41, and therefore denies the same.

42. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 42, and therefore denies the same.

43. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 43, and therefore denies the same.

44. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 44, and therefore denies the same.

45. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 45, and therefore denies the same.

#### **COUNT VI**

46. Defendant reincorporates the preceding paragraphs as if fully set out herein.

47. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 47, and therefore denies the same.

48. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 48, and therefore denies the same.

49. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 49, and therefore denies the same.

50. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 50, and therefore denies the same.

#### **COUNT VII**

51. Defendant reincorporates the preceding paragraphs as if fully set out herein.

52. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 52, and therefore denies the same.

53. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 53, and therefore denies the same.

54. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 54, and therefore denies the same.

55. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 55, and therefore denies the same.

56. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 56, and therefore denies the same.

57. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 57, and therefore denies the same.

**COUNT VIII**

58. Defendant reincorporates the preceding paragraphs as if fully set out herein.

59. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 59, and therefore denies the same.

60. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 60, and therefore denies the same.

61. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 61, and therefore denies the same.

62. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 62, and therefore denies the same.

**COUNT IX**

63. Defendant reincorporates the preceding paragraphs as if fully set out herein.

64. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 64, and therefore denies the same.

65. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 65, and therefore denies the same.

66. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 66, and therefore denies the same.

67. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 67, and therefore denies the same.

68. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 68, and therefore denies the same.

69. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 69, and therefore denies the same.

**COUNT X**

70. Defendant reincorporates the preceding paragraphs as if fully set out herein.

71. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 71, and therefore denies the same.

72. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 72, and therefore denies the same.

73. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 73, and therefore denies the same.

74. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 74, and therefore denies the same.

**COUNT XI**

75. Defendant reincorporates the preceding paragraphs as if fully set out herein.

76. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 76, and therefore denies the same.

77. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 77, and therefore denies the same.

78. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 78, and therefore denies the same.

79. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 79, and therefore denies the same.

80. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 80, and therefore denies the same.

81. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 81, and therefore denies the same.

### **COUNT XII**

82. Defendant reincorporates the preceding paragraphs as if fully set out herein.

83. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 83, and therefore denies the same.

84. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 84, and therefore denies the same.

85. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 85, and therefore denies the same.

86. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 86, and therefore denies the same.

### **COUNT XIII**

87. Defendant reincorporates the preceding paragraphs as if fully set out herein.

88. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 88, and therefore denies the same.

89. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 89, and therefore denies the same.

90. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 90, and therefore denies the same.

91. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 91, and therefore denies the same.

92. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 92, and therefore denies the same.

93. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 93, and therefore denies the same.

#### **COUNT XIV**

94. Defendant reincorporates the preceding paragraphs as if fully set out herein.

95. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 95, and therefore denies the same.

96. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 96, and therefore denies the same.

97. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 97, and therefore denies the same.

98. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 98, and therefore denies the same.

99. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 99, and therefore denies the same.

100. Defendant is without sufficient information to form a belief necessary to admit or deny Paragraph 100, and therefore denies the same.

**JURY TRIAL**

101. Defendant admits Plaintiff seeks a trial by jury in this case.

**AFFIRMATIVE DEFENSES**

102. If any violation occurred, which is denied, it was the result of a bona fide error notwithstanding procedures reasonably adapted to avoid such an error.

103. Plaintiff's damages, if any were pre-existing damages not caused by Defendant.

104. Plaintiff has failed to mitigate damages if any.

105. Plaintiff proximately caused his own damages, if any

106. Plaintiff's damages, if any, were caused by a third party over which Defendant had no control.

107. Plaintiff has failed to state a claim against Defendant upon which relief can be granted.

108. Plaintiff has not suffered a concrete, injury-in-fact.

**[SIGNATURE BLOCK ON NEXT PAGE]**

Dated: December 16, 2020

Respectfully Submitted,

**MALONE FROST MARTIN PLLC**

By: /s/ PATRICK A. WATTS

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***COUNSEL FOR DEFENDANT  
AMERICOLLECT, INC.***

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document has been forwarded via ECF system to Plaintiff's counsel on this 16<sup>th</sup> day of December, 2020.

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***COUNSEL FOR PLAINTIFF***

/s/ PATRICK A. WATTS

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